
By: **Montgomery County Delegation**
Introduced and read first time: February 4, 2003
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County - Vehicle Laws - Speed Monitoring Systems - Radar**
3 **Cameras**
4 **MC 302-03**

5 FOR the purpose of requiring the Montgomery County Department of Police to mail a
6 citation to the owner of a motor vehicle that is recorded by a speed monitoring
7 system in the county to be in violation of certain laws regarding the operation of
8 a motor vehicle in excess of certain speed limits; establishing a certain
9 maximum fine for a violation of this Act; requiring a citation to include certain
10 information; authorizing the county police department to send a warning
11 instead of a citation; authorizing the county police department to reissue a
12 citation to the driver of a vehicle under certain circumstances; requiring certain
13 citations to be mailed within certain time periods; requiring the District Court
14 to prescribe a certain citation form and a civil penalty to be indicated on the
15 citation; establishing the standard of proof in a trial for a violation of this Act;
16 requiring the Chief Judge of the District Court, in consultation with certain
17 county agencies, to adopt certain procedures; providing that certain persons are
18 responsible for paying the civil penalty indicated on the citation under certain
19 circumstances; providing that persons receiving citations may elect to stand
20 trial in the District Court; establishing defenses that the District Court may
21 consider; authorizing vehicle owners to submit a certain letter to the District
22 Court to establish a certain defense; prohibiting the Motor Vehicle
23 Administration from registering or transferring the registration of a motor
24 vehicle if the person cited for violating this Act fails to pay the civil penalty,
25 contest liability, or appear for trial; authorizing the Administration to suspend
26 the registration of a motor vehicle if the person cited for violating this Act fails
27 to pay the civil penalty or contest liability; prohibiting imposition of liability
28 under this Act from being considered a moving violation for certain purposes,
29 being recorded on the driving record of the owner or driver, or being considered
30 by a motor vehicle insurer for certain purposes; providing for the admissibility
31 and use of certain evidence; modifying the jurisdiction of the District Court to
32 include certain proceedings; providing for the handling of certain court costs and
33 penalties; defining certain terms; clarifying certain language; prohibiting the
34 custodian of recorded images produced by a speed monitoring system from
35 allowing inspection of the recorded images, subject to certain exceptions; and

1 generally relating to imposition of liability on certain persons recorded by a
2 speed monitoring system violating certain laws regarding the operation of a
3 motor vehicle in excess of certain speed limits.

4 BY repealing and reenacting, with amendments,
5 Article - Courts and Judicial Proceedings
6 Section 4-401(13), 7-301(a), 7-302(e), and 10-311
7 Annotated Code of Maryland
8 (2002 Replacement Volume)

9 BY repealing and reenacting, with amendments,
10 Article - Insurance
11 Section 11-215(e) and 11-318(e)
12 Annotated Code of Maryland
13 (1997 Volume and 2002 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - State Government
16 Section 10-616(o)
17 Annotated Code of Maryland
18 (1999 Replacement Volume and 2002 Supplement)

19 BY adding to
20 Article - Transportation
21 Section 21-809
22 Annotated Code of Maryland
23 (2002 Replacement Volume)

24 BY repealing and reenacting, with amendments,
25 Article - Transportation
26 Section 26-305(a) and 26-401
27 Annotated Code of Maryland
28 (2002 Replacement Volume)

29 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
30 MARYLAND, That the Laws of Maryland read as follows:

31 **Article - Courts and Judicial Proceedings**

32 4-401.

33 Except as provided in § 4-402 of this subtitle, and subject to the venue
34 provisions of Title 6 of this article, the District Court has exclusive original civil
35 jurisdiction in:

1 (13) A proceeding for a civil infraction under § 21-202.1 OR § 21-809 of the
2 Transportation Article;
3 7-301.

4 (a) The court costs in a traffic case, including parking and impounding cases
5 and cases under § 21-202.1 OR § 21-809 of the Transportation Article in which costs
6 are imposed, are \$20. Such costs shall also be applicable to those cases in which the
7 defendant elects to waive his right to trial and pay the fine or penalty deposit
8 established by the Chief Judge of the District Court by administrative regulation. In
9 an uncontested case under § 21-202.1 OR § 21-809 of the Transportation Article or
10 uncontested parking or impounding case in which the fines are paid directly to a
11 political subdivision or municipality, costs are \$2.00, which costs shall be paid to and
12 retained by the political subdivision or municipality. In an uncontested case in which
13 the fine is paid directly to an agency of State government authorized by law to
14 regulate parking of motor vehicles, the costs are \$2.00. The fine and the costs shall be
15 paid to the agency, which shall receive and account for these funds as in all other
16 cases involving sums due the State through a State agency.

17 7-302.

18 (e) (1) A citation issued pursuant to § 21-202.1 OR § 21-809 of the
19 Transportation Article shall provide that the person receiving the citation may elect to
20 stand trial by notifying the issuing agency of the person's intention to stand trial at
21 least 5 days prior to the date of payment as set forth in the citation. On receipt of the
22 notice to stand trial, the agency shall forward to the District Court having venue a
23 copy of the citation and a copy of the notice from the person who received the citation
24 indicating the person's intention to stand trial. On receipt thereof, the District Court
25 shall schedule the case for trial and notify the defendant of the trial date under
26 procedures adopted by the Chief Judge of the District Court.

27 (2) A citation issued as the result of a traffic control signal monitoring
28 system OR SPEED MONITORING SYSTEM controlled by a political subdivision shall
29 provide that, in an uncontested case, the penalty shall be paid directly to that political
30 subdivision. A citation issued as the result of a traffic control signal monitoring
31 system controlled by a State agency shall provide that the penalty shall be paid
32 directly to the District Court.

33 (3) Civil penalties resulting from citations issued using traffic control
34 signal monitoring systems OR SPEED MONITORING SYSTEMS that are collected by the
35 District Court shall be collected in accordance with subsection (a) of this section and
36 distributed in accordance with § 12-118 of the Transportation Article.

37 10-311.

38 (A) A recorded image of a motor vehicle produced by a traffic control signal
39 monitoring system in accordance with § 21-202.1 of the Transportation Article is
40 admissible in a proceeding concerning a civil citation issued under that section for a
41 violation of § 21-202(h) of the Transportation Article without authentication.

1 (B) A RECORDED IMAGE OF A MOTOR VEHICLE PRODUCED BY A SPEED
2 MONITORING SYSTEM IN ACCORDANCE WITH § 21-809 OF THE TRANSPORTATION
3 ARTICLE IS ADMISSIBLE IN A PROCEEDING CONCERNING A CIVIL CITATION ISSUED
4 UNDER THAT SECTION FOR A VIOLATION OF TITLE 21, SUBTITLE 8 OF THE
5 TRANSPORTATION ARTICLE WITHOUT AUTHENTICATION.

6 (C) In any other judicial proceeding, a recorded image produced by a traffic
7 control signal monitoring system OR SPEED MONITORING SYSTEM is admissible as
8 otherwise provided by law.

9 **Article - Insurance**

10 11-215.

11 (e) For purposes of reclassifying an insured in a classification that entails a
12 higher premium, an insurer under an automobile insurance policy may not consider a
13 probation before judgment disposition of a motor vehicle law offense, a civil penalty
14 imposed pursuant to § 21-202.1 OR § 21-809 of the Transportation Article, or a first
15 offense of driving with an alcohol concentration of 0.10 or more under § 16-205.1 of
16 the Transportation Article on record with the Motor Vehicle Administration, as
17 provided in § 16-117(b) of the Transportation Article.

18 11-318.

19 (e) For purposes of reclassifying an insured in a classification that entails a
20 higher premium, an insurer under an automobile insurance policy may not consider a
21 probation before judgment disposition of a motor vehicle law offense, a civil penalty
22 imposed pursuant to § 21-202.1 OR § 21-809 of the Transportation Article, or a first
23 offense of driving with an alcohol concentration of 0.10 or more under § 16-205.1 of
24 the Transportation Article on record with the Motor Vehicle Administration, as
25 provided in § 16-117(b) of the Transportation Article.

26 **Article - State Government**

27 10-616.

28 (o) (1) In this subsection, "recorded images" has the meaning stated in §
29 21-202.1 OR § 21-809 of the Transportation Article.

30 (2) Except as provided in paragraph (3) of this subsection, a custodian of
31 recorded images produced by a traffic control signal monitoring system operated
32 under § 21-202.1 of the Transportation Article OR A SPEED MONITORING SYSTEM
33 OPERATED UNDER § 21-809 OF THE TRANSPORTATION ARTICLE shall deny inspection
34 of the recorded images.

35 (3) A custodian shall allow inspection of recorded images:

36 (i) as required in § 21-202.1 OR § 21-809 of the Transportation
37 Article;

1 (ii) by any person issued a citation under § 21-202.1 OR § 21-809 of
2 the Transportation Article, or an attorney of record for the person; or

3 (iii) by an employee or agent of a law enforcement agency in an
4 investigation or proceeding relating to the imposition of or indemnification from civil
5 liability pursuant to § 21-202.1 OR § 21-809 of the Transportation Article.

6 **Article - Transportation**

7 21-809.

8 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
9 INDICATED.

10 (2) "COUNTY POLICE DEPARTMENT" MEANS THE MONTGOMERY COUNTY
11 DEPARTMENT OF POLICE.

12 (3) (I) "OWNER" MEANS THE REGISTERED OWNER OF A MOTOR
13 VEHICLE OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR
14 MORE.

15 (II) "OWNER" DOES NOT INCLUDE:

16 1. A MOTOR VEHICLE RENTAL OR LEASING COMPANY; OR

17 2. A HOLDER OF A SPECIAL REGISTRATION PLATE ISSUED
18 UNDER TITLE 13, SUBTITLE 9, PART III OF THIS ARTICLE.

19 (4) "RECORDED IMAGES" MEANS IMAGES RECORDED BY A SPEED
20 MONITORING SYSTEM:

21 (I) ON:

22 1. TWO OR MORE PHOTOGRAPHS;

23 2. TWO OR MORE MICROPHOTOGRAPHS;

24 3. TWO OR MORE ELECTRONIC IMAGES;

25 4. VIDEOTAPE; OR

26 5. ANY OTHER MEDIUM; AND

27 (II) SHOWING THE REAR OF A MOTOR VEHICLE AND, ON AT LEAST
28 ONE IMAGE OR PORTION OF TAPE, CLEARLY IDENTIFYING THE REGISTRATION PLATE
29 NUMBER OF THE MOTOR VEHICLE.

30 (5) "SPEED MONITORING SYSTEM" MEANS A DEVICE WITH ONE OR MORE
31 MOTOR VEHICLE SENSORS PRODUCING RECORDED IMAGES OF MOTOR VEHICLES
32 TRAVELING AT SPEEDS IN EXCESS OF POSTED SPEED LIMITS ON HIGHWAYS.

1 (B) THIS SECTION APPLIES ONLY TO A VIOLATION OF THIS SUBTITLE THAT
2 OCCURS ON A HIGHWAY IN MONTGOMERY COUNTY MONITORED BY A SPEED
3 MONITORING SYSTEM.

4 (C) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A
5 CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE OWNER
6 OR, IN ACCORDANCE WITH SUBSECTION (F)(4) OF THIS SECTION, THE DRIVER OF A
7 MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF THE MOTOR VEHICLE IS
8 RECORDED BY A SPEED MONITORING SYSTEM WHILE BEING OPERATED IN
9 VIOLATION OF THIS SUBTITLE.

10 (2) A CIVIL PENALTY UNDER THIS SUBSECTION MAY NOT EXCEED \$100.

11 (3) FOR PURPOSES OF THIS SECTION, THE DISTRICT COURT SHALL
12 PRESCRIBE:

13 (I) A UNIFORM CITATION FORM CONSISTENT WITH SUBSECTION
14 (D)(1) OF THIS SECTION AND § 7-302 OF THE COURTS ARTICLE; AND

15 (II) A CIVIL PENALTY, WHICH SHALL BE INDICATED ON THE
16 CITATION, TO BE PAID BY PERSONS WHO CHOOSE TO PREPAY THE CIVIL PENALTY
17 WITHOUT APPEARING IN DISTRICT COURT.

18 (D) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH (4) OF
19 THIS SUBSECTION, THE COUNTY POLICE DEPARTMENT SHALL MAIL TO AN OWNER
20 OR, IN ACCORDANCE WITH SUBSECTION (F)(4) OF THIS SECTION, A DRIVER LIABLE
21 UNDER SUBSECTION (C) OF THIS SECTION A CITATION THAT SHALL INCLUDE:

22 (I) THE NAME AND ADDRESS OF THE REGISTERED OWNER OF THE
23 VEHICLE;

24 (II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE
25 INVOLVED IN THE VIOLATION;

26 (III) THE VIOLATION CHARGED;

27 (IV) THE LOCATION WHERE THE VIOLATION OCCURRED;

28 (V) THE DATE AND TIME OF THE VIOLATION;

29 (VI) A COPY OF THE RECORDED IMAGE;

30 (VII) THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE DATE
31 BY WHICH THE CIVIL PENALTY SHOULD BE PAID;

32 (VIII) A SIGNED STATEMENT BY A TECHNICIAN EMPLOYED BY THE
33 COUNTY POLICE DEPARTMENT THAT, BASED ON INSPECTION OF RECORDED IMAGES,
34 THE MOTOR VEHICLE WAS BEING OPERATED IN VIOLATION OF THIS SUBTITLE;

35 (IX) A STATEMENT THAT RECORDED IMAGES ARE EVIDENCE OF A
36 VIOLATION OF THIS SUBTITLE;

1 (X) INFORMATION ADVISING THE PERSON ALLEGED TO BE LIABLE
2 UNDER THIS SECTION OF THE MANNER AND TIME IN WHICH LIABILITY AS ALLEGED
3 IN THE CITATION MAY BE CONTESTED IN THE DISTRICT COURT; AND

4 (XI) INFORMATION ADVISING THE PERSON ALLEGED TO BE LIABLE
5 UNDER THIS SECTION THAT FAILURE TO PAY THE CIVIL PENALTY OR TO CONTEST
6 LIABILITY IN A TIMELY MANNER:

7 1. IS AN ADMISSION OF LIABILITY;

8 2. SHALL RESULT IN THE REFUSAL TO REGISTER OR
9 TRANSFER THE REGISTRATION OF THE MOTOR VEHICLE; AND

10 3. MAY RESULT IN THE SUSPENSION OF THE MOTOR
11 VEHICLE REGISTRATION.

12 (2) THE COUNTY POLICE DEPARTMENT MAY MAIL A WARNING NOTICE
13 INSTEAD OF A CITATION TO THE OWNER LIABLE UNDER SUBSECTION (C) OF THIS
14 SECTION.

15 (3) EXCEPT AS PROVIDED IN SUBSECTION (F)(4)(II) OF THIS SECTION,
16 THE COUNTY POLICE DEPARTMENT MAY NOT MAIL A CITATION TO A PERSON WHO IS
17 NOT AN OWNER UNDER SUBSECTION (A)(3) OF THIS SECTION.

18 (4) EXCEPT AS PROVIDED IN SUBSECTION (F)(4)(III) OF THIS SECTION, A
19 CITATION ISSUED UNDER THIS SECTION SHALL BE MAILED NO LATER THAN 2 WEEKS
20 AFTER THE ALLEGED VIOLATION.

21 (5) A PERSON WHO RECEIVES A CITATION UNDER PARAGRAPH (1) OF
22 THIS SUBSECTION MAY:

23 (I) PAY THE CIVIL PENALTY, IN ACCORDANCE WITH
24 INSTRUCTIONS ON THE CITATION, DIRECTLY TO THE MONTGOMERY COUNTY
25 DEPARTMENT OF FINANCE; OR

26 (II) ELECT TO STAND TRIAL IN THE DISTRICT COURT FOR THE
27 ALLEGED VIOLATION.

28 (E) (1) A CERTIFICATE ALLEGING THAT THE VIOLATION OF THIS SUBTITLE
29 OCCURRED, SWORN TO OR AFFIRMED BY A DULY AUTHORIZED AGENT OF THE
30 COUNTY POLICE DEPARTMENT, BASED ON INSPECTION OF RECORDED IMAGES
31 PRODUCED BY A SPEED MONITORING SYSTEM, SHALL BE EVIDENCE OF THE FACTS
32 CONTAINED IN THE CERTIFICATE AND SHALL BE ADMISSIBLE IN A PROCEEDING
33 ALLEGING A VIOLATION UNDER THIS SECTION.

34 (2) ADJUDICATION OF LIABILITY SHALL BE BASED ON A
35 PREPONDERANCE OF EVIDENCE.

36 (F) (1) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A VIOLATION:

1 (I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THAT THE
2 MOTOR VEHICLE OR THE REGISTRATION PLATES OF THE MOTOR VEHICLE WERE
3 STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT UNDER THE CONTROL
4 OR POSSESSION OF THE OWNER AT THE TIME OF THE VIOLATION;

5 (II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, EVIDENCE
6 THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT
7 THE TIME OF THE VIOLATION; AND

8 (III) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT COURT
9 DEEMS PERTINENT.

10 (2) IN ORDER TO DEMONSTRATE THAT THE MOTOR VEHICLE OR THE
11 REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED AND
12 WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF
13 THE VIOLATION, THE OWNER SHALL SUBMIT PROOF THAT A POLICE REPORT
14 REGARDING THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS FILED IN
15 A TIMELY MANNER.

16 (3) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH (1)(II) OF
17 THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL PROVIDE TO THE
18 DISTRICT COURT A LETTER, SWORN TO OR AFFIRMED BY THE PERSON AND MAILED
19 BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, THAT:

20 (I) STATES THAT THE PERSON NAMED IN THE CITATION WAS NOT
21 OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION;

22 (II) PROVIDES THE NAME, ADDRESS, AND, IF POSSIBLE, THE
23 DRIVER'S LICENSE IDENTIFICATION NUMBER OF THE PERSON WHO WAS OPERATING
24 THE VEHICLE AT THE TIME OF THE VIOLATION; AND

25 (III) INCLUDES ANY OTHER CORROBORATING EVIDENCE.

26 (4) (I) IF THE DISTRICT COURT FINDS THAT THE PERSON NAMED IN
27 THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION
28 OR RECEIVES EVIDENCE UNDER PARAGRAPH (3) OF THIS SUBSECTION IDENTIFYING
29 THE PERSON DRIVING THE VEHICLE AT THE TIME OF THE VIOLATION, THE CLERK OF
30 THE COURT SHALL PROVIDE TO THE COUNTY POLICE DEPARTMENT A COPY OF ANY
31 EVIDENCE SUBSTANTIATING WHO WAS OPERATING THE VEHICLE AT THE TIME OF
32 THE VIOLATION.

33 (II) ON THE RECEIPT OF SUBSTANTIATING EVIDENCE FROM THE
34 DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COUNTY
35 POLICE DEPARTMENT MAY ISSUE A CITATION AS PROVIDED IN SUBSECTION (D) OF
36 THIS SECTION TO THE PERSON WHO THE EVIDENCE INDICATES WAS OPERATING THE
37 VEHICLE AT THE TIME OF THE VIOLATION.

38 (III) A CITATION ISSUED UNDER SUBPARAGRAPH (II) OF THIS
39 PARAGRAPH SHALL BE MAILED NO LATER THAN 2 WEEKS AFTER RECEIPT OF THE
40 EVIDENCE FROM THE DISTRICT COURT.

1 (G) IF A PERSON LIABLE UNDER THIS SECTION DOES NOT PAY THE CIVIL
2 PENALTY OR CONTEST THE VIOLATION, THE ADMINISTRATION:

3 (1) SHALL REFUSE UNDER § 26-305 OF THIS ARTICLE TO REGISTER OR
4 TRANSFER THE REGISTRATION OF THE MOTOR VEHICLE CITED FOR THE VIOLATION;
5 AND

6 (2) MAY SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE CITED
7 FOR THE VIOLATION.

8 (H) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS
9 SECTION:

10 (1) IS NOT A MOVING VIOLATION FOR THE PURPOSE OF ASSESSING
11 POINTS UNDER § 16-402 OF THIS ARTICLE;

12 (2) MAY NOT BE RECORDED BY THE ADMINISTRATION ON THE DRIVING
13 RECORD OF THE OWNER OR DRIVER OF THE VEHICLE; AND

14 (3) MAY NOT BE CONSIDERED IN THE PROVISION OF MOTOR VEHICLE
15 INSURANCE COVERAGE.

16 (I) IN CONSULTATION WITH THE MONTGOMERY COUNTY DEPARTMENT OF
17 FINANCE AND THE COUNTY POLICE DEPARTMENT, THE CHIEF JUDGE OF THE
18 DISTRICT COURT SHALL ADOPT PROCEDURES FOR THE ISSUANCE OF CITATIONS,
19 THE TRIAL OF CIVIL VIOLATIONS, AND THE COLLECTION OF CIVIL PENALTIES UNDER
20 THIS SECTION.

21 26-305.

22 (a) The Administration may not register or transfer the registration of any
23 vehicle involved in a parking violation under this subtitle, a violation under any
24 federal parking regulation that applies to property in this State under the jurisdiction
25 of the U.S. government, or a violation of § 21-202(h) of this article as determined
26 under § 21-202.1 of this article OR TITLE 21, SUBTITLE 8 OF THIS ARTICLE AS
27 DETERMINED UNDER § 21-809 OF THIS ARTICLE, if:

28 (1) It is notified by a political subdivision or authorized State agency
29 that [a] THE person cited for [a] THE violation under this subtitle or § 21-202.1 OR
30 § 21-809 of this article has failed to either:

31 (i) Pay the fine for the violation by the date specified in the
32 citation; or

33 (ii) File a notice of his intention to stand trial for the violation;

34 (2) It is notified by the District Court that a person who has elected to
35 stand trial for the violation under this subtitle or under § 21-202.1 OR § 21-809 of this
36 article has failed to appear for trial; or

1 (3) It is notified by a U.S. District Court that a person cited for a
2 violation under a federal parking regulation:

3 (i) Has failed to pay the fine for the violation by the date specified
4 in the federal citation; or

5 (ii) Either has failed to file a notice of his intention to stand trial for
6 the violation, or, if electing to stand trial, has failed to appear for trial.

7 26-401.

8 If a person is taken before a District Court commissioner or is given a traffic
9 citation or a civil citation under § 21-202.1 OR § 21-809 of this article containing a
10 notice to appear in court, the commissioner or court shall be one that sits within the
11 county in which the offense allegedly was committed.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2003.